

WIOLETTA PAWLIKOWSKA-BUTTERWICK

THE VILNIUS CATHEDRAL CHAPTER AND THE
JEWS IN THE SIXTEENTH AND SEVENTEENTH
CENTURIES: CASES FROM THE ACTS OF THE
CATHEDRAL CHAPTER

Many scholars have been drawn to study relations between the Jewish population and the Catholic clergy in the Polish-Lithuanian Commonwealth¹. However, the coverage of these complicated questions remains uneven. Doubtlessly, among the most prominent issues are conflicts related to confessional differences. It was from the position of religious alterity that the Catholic side most often acted against those who kept the Old Covenant. Such attacks were also the ones that had the most far-reaching effects, at least according to most of the historiography. However, mutual relations between the Catholic clergy and the Jews were by no means restricted to such conflicts. There can be no doubt that contacts of economic nature were among the principal ways the two groups interacted. Sometimes these religious and economic factors overlapped.

Throughout the sixteenth and seventeenth centuries, the Catholic clergy, although it constituted a single social and legal (although not

¹ See, e. g., Antony Polonsky, *The Jews in Poland and Russia: 1350 to 1881*, vol. 1, Oxford: The Littman Library of Jewish Civilization, 2010; Zenon Guldon, “Żydzi wśród chrześcijan w miastach małopolskich w XVI–XVIII wieku”, in: *Nasza Przeszłość*, 1992, vol. 78, pp. 187–222; Stefan Gąsiorowski, *Chrześcijananie i Żydzi w Żółkwi w XVII i XVIII wieku*, Kraków: Polska Akademia Umiejętności, 2001; Barbara Wizimirska, “Chrześcijananie i Żydzi w Rzeszowie w XVII i XVIII wieku”, in: *Prace Historyczno-Archiwalne*, 1993, vol. 1, pp. 75–90; Waldemar Kowalski, “Ludność żydowska a duchowieństwo archidiakonatu sandomierskiego w XVII–XVIII wieku”, in: *Studia Judaica*, 1998, vol. 1, pp. 177–99.

a parliamentary) estate, was not a monolith. Nor, of course, were the Jews. Therefore relations between a parish priest or his assistant and local Jews in a small town or village would have differed considerably from those between the Jews and the higher clergy – that is, prelates, canons and bishops – associated with cathedral cities such as Vilnius (Wilno in Polish, Vilne in Yiddish, Вильня in Belarusian). Similarly, official relations could differ considerably from private contacts.

In this paper, I will discuss relations between the Vilnius Cathedral chapter and Jews (both those who had converted to Christianity and those who remained in the Judaic religion) in the sixteenth and seventeenth centuries, mainly in the light of the protocols of the sessions of the Vilnius chapter. The choice of this kind of material as the principal source requires a brief commentary. These protocols are not a faithful reflection of past reality; they do, however, present a record of certain issues and problems that preoccupied the canons and prelates of Vilnius at the time. In general, “spicier” situations were recorded, whereas those that would have seemed rather common to the clergymen in question were not. So it is in such records that we should look for various exceptional situations, novelties and revelations. Moreover, the one-sidedness – the Roman Catholic view of the given problem – which is characteristic of this kind of sources may prompt us to question the reliability of information contained therein. Especially suspect may be information concerning “others”, that is, people in opposing and usually lower social, confessional or legal positions. These doubts are, however, mitigated by the fact that the book of protocols was maintained by a capitular notary under an oath to record the sessions faithfully. The sessions were held in secrecy, and members of the chapter who were present were obliged to maintain secrecy or else face ecclesiastical penalties. Above all, the protocols were kept chiefly for internal use of the corporation. They were not intended as Judeophobic propaganda, nor were they court records². They were not written in order to persuade their readers, but simply for ease of reference. Therefore, as sources go, they are not

² References to disputes between inhabitants of the capitular *jurydyki* were, however sporadically, entered into the acts.

particularly biased. My research to date on these protocols has revealed that they can cast much new light on the everyday life of the city of Vilnius and its diverse inhabitants. The documents also contain valuable information on capitular estates that were dispersed over vast areas of the Grand Duchy of Lithuania³. The picture that emerges from these sources is, in its own way, reliable; but, given their limitations, it is certainly not a full picture. Nevertheless, it may serve as a good point of departure for further research.

From the second half of the sixteenth century, if not earlier, cities and small towns of the Grand Duchy of Lithuania became urban centres that attracted increasing numbers of Jews to settle and trade. The trend is usually explained by favourable privileges granted to them by the Grand Dukes, in order to stimulate economic life⁴. Unique in Europe was the partial right granted to Lithuanian Jews to own and trade in land. According to Jurgita Šiaučiūnaitė-Verbickienė, this possibly testifies to “a new quality in the way in which they could function in society”⁵. Certainly, Jews played an important role in urbanization processes within the towns of the Grand Duchy of Lithuania.

During the seventeenth century, a conviction began to take root that Jews were necessary in order to create, maintain or restore the trading character of a settlement. For example, one leaseholder of the Vilnan capitular estates informed the chapter that “to maintain marketplaces in Karpilówka (Карпилаўка), it is necessary to permit the Jews to settle there, and to provide them with a synagogue and a *kirkut*”. The chapter accepted the proposal and decided “to give 30 Jews a site for a synagogue and a *kirkut* just outside the town”.⁶

³ Wioletta Pawlikowska, *Wileńska kapituła katedralna w drugiej połowie XVI wieku*, doctoral dissertation, Poznań, 2011, pp. 13–14.

⁴ Jurgita Šiaučiūnaitė-Verbickienė, “Žydai”, in: *Lietuvos Didžiosios Kunigaikštijos kultūra: tyrinėjimai ir vaizdai*, ed. Vytautas Ališauskas [et. al.], Vilnius: Aidai, 2001, p. 796 (Polish translation: Jurgita Šiaučiūnaitė-Verbickienė, “Żydzi”, in: *Kultura Wielkiego Księstwa Litewskiego. Analizy i obrazy*, Kraków: Universitas, 2006, p. 886).

⁵ Jurgita Šiaučiūnaitė-Verbickienė, “Žydai”, p. 801; Jurgita Šiaučiūnaitė-Verbickienė, “Żydzi”, p. 892.

⁶ Józef Maroszek, “Żydzi wiejscy na Podlasiu w XVII i XVIII wieku w świetle

The Jews' legal status was regulated, although not exclusively, by privileges granted by the Grand Dukes of Lithuania. The privilege granted by Vytautas legalized two kinds of activity – lending at an interest (pejoratively called usury) and trade – in which less wealthy Jews were most frequently engaged. Those Jews who succeeded in amassing greater fortunes sought leases on taverns and other properties and businesses, especially those that were monopolies, such as distilling and selling alcohol (*propinacija*). By the same token, they became the chief competitors for Christian burghers, especially artisans.

Perhaps paradoxically, the very success achieved by Jews in the economic sphere contributed to the rise of negative images and stereotypes, and thus also became one of the motives for assaults and accusations directed at them. Jewish communities sought to defend themselves in various ways. One strategy was to appeal to Christian authorities, such as the king and the grand duke, the Lithuanian Tribunal, municipalities⁷ and even the Vilnius chapter⁸ or the bishop, in order to defend Jewish lives, livelihoods and property. The second strategy was to take the case to institutions of Jewish communal life – local qahals or the general council of Lithuanian Jewish communities – the *Va'ad*⁹.

Vytautas's privilege regulated social as well as economic aspects of Jewish life. It permitted the Jews to perform their funeral rites, to take their oaths by the doors of a synagogue, to maintain synagogues and cemeteries, and also forbade Christians to disturb their Sabbath (protecting them from attacks by their neighbours)¹⁰.

przemian struktury rynku wewnętrznego”, in: *Studia Podlaskie*, 1989, vol. 2, p. 64. He cites *Kościół zamkowy czyli katedra wileńska w jej dziejowym, liturgicznym, architektonicznym i ekonomicznym rozwoju*, vol. 2: *Źródła historyczne na podstawie aktów kapitulnych i dokumentów historycznych*, ed. Jan Kurczewski, Wilno, 1910, pp. 94–102, but unfortunately these quotations are not to be found there.

⁷ Cf. David Frick, “Jews and Others in Seventeenth-Century Wilno: Life in the neighborhood”, in: *Jewish Studies Quarterly*, 2005, vol. 12, no. 1, p. 9.

⁸ *Biržų dvaro teismo knygos, 1620–1745*, eds. Vytautas Raudeliūnas and Romualdas Firkovičius, Vilnius: Mintis, 1982, p. 91.

⁹ David Frick, “Jews and Others”, p. 9.

¹⁰ Jurgita Šiaučiuonaitė-Verbickienė, “Žydai”, p. 799, Jurgita Šiaučiuonaitė-

Although Jews never became town citizens or burghers, they remained an established group in towns of the Grand Duchy of Lithuania. Some historians have even called them the “second urban estate”¹¹. The Jews of Vilnius were particularly privileged in comparison to their brethren in Kraków or Warsaw, or the Tatars who lived in the Vilnan suburb of Lukiškės (Łukiszki)¹², in that they could settle in the city centre, which meant that they lived among Christians (Catholics of both rites, Orthodox Christians and various Protestants). The privilege granted by Sigismund III on 1 June 1593 guaranteed Jews the right “to acquire and purchase dwellings with the nobility (*szlachta*), especially since, at the time of our accession to these domains, the Polish Crown and the Grand Duchy of Lithuania, we found [Jews] living [here]”¹³.

Jewish houses and tenements in Vilnius, according to the findings of Jerzy Ochmański¹⁴, Józef Maroszek¹⁵, Mindaugas Paknys¹⁶ and David Frick¹⁷, were generally located in the area defined by three streets, named respectively after the Germans (Niemiecka / Vokiečių), the Jews (Żydowska / Żydų / Yidishe), and meat shops (Jatkowa / Mėsinių / Yatkever)¹⁸. Despite plans made and efforts undertaken in the

Verbickienė, “Żydzi”, p. 890; Jurgita Šiaučiūnaitė-Verbickienė, “The Social and Legal Status of Jews in the Grand Duchy of Lithuania and its Influence on the Status of Tatars and Karaites”, in: *Central Europe*, 2010, vol. 8, no. 2, p. 71.

¹¹ See most recently Andrzej B. Zakrzewski, *Wielkie Księstwo Litewskie (XVI–XVIII w.). Prawo – ustroj – społeczeństwo*, Warsaw: Campidoglio, 2013, p. 81.

¹² Jan Tyszkiewicz, *Tatarzy na Litwie i w Polsce. Studia z dziejów XIII–XVIII w.*, Warsaw: Państwowe Wydawnictwo Naukowe, 1989, p. 228.

¹³ Quoted after David Frick, “Jews and Others”, p. 13.

¹⁴ Jerzy Ochmański, *Dawna Litwa*, Olsztyn: Pojezierze, 1982, p. 90.

¹⁵ Józef Maroszek, “Ulice Wilna w XIV–XVIII wieku”, in: *Kwartalnik Historii Kultury Materialnej*, 1999, vol. 47, no. 1–2, p. 168.

¹⁶ Mindaugas Paknys, “Wilno roku 1636 według ‘Rewizji gospód’”, in: *Lituanoslavica Posnaniensia. Studia Historica*, 2007, vol. 12, pp. 103n; see also Mindaugas Paknys, *Vilniaus miestas ir miestiečiai 1636 m.: Namai, gyventojai, svečiai*, Vilnius: Vilniaus dailės akademijos leidykla, 2006.

¹⁷ Quoted after David Frick, “Jews and Others”, p. 16.

¹⁸ See the plan of the city reconstructed by Maria Łowmiańska on the basis of the 1648 plan of the city’s fortifications by Friedrich Getkant (1614–1666) and other

seventeenth century, there was no distinctly Jewish district isolated from the rest of the city. Jewish tenements were, however, in most respects excluded from the jurisdiction of the city courts, and could almost be considered a separate Jewish *jurydyka*, albeit without the land¹⁹.

Over the two centuries in question, several dozen issues with a Jewish element appear in the Vilnan capitular acts. Many were of religious or confessional nature, others were economic, although the categories can overlap. One of the earliest cases of the former kind may be linked to accusations that Jews participated in “profanation of the Host”²⁰. Under the date of 25 December 1525, it was noted that during the administering of communion in the parish church of St John in Vilnius, “a common Lithuanian man, who did not even know Our Father” (*simplex homo lituanus, nesciens Pater noster*), took the Holiest Sacrament of the Eucharist without having first confessed his sins. Having exited the church, he retrieved the Host from his mouth with his hand and placed it in a pouch (*marsupium*). He was, however, caught in the sacrilegious act by a passing woman. During interrogation, he testified that he had been paid by Jews, from whom he had received 20 Lithuanian *grosze* in advance, and expected to receive the same sum upon delivery²¹. Unfortunately, the acts do not inform us of the outcome of this case. Further research will be hindered by the absence of any names.

Ecclesiastical legislation, following the principle of restricting contacts between Christians and Jews, forbade mixed marriages and Jews holding public office²². The decrees of the Third Lateran Council of

sources, Maria Łowmiańska, *Wilno przed najazdem moskiewskim 1655 roku*, Wilno: Wydawn. Magistratu m. Wilna, 1929. See also *Vilniaus namai archyvų fonduose*, vol. 1–13, ed. Vladas Drėma, Vilnius: Savastis, 1995–2007.

¹⁹ Józef Maroszek, “Ulice Wilna”, p. 171.

²⁰ On this question, see most recently (for a slightly later period): Magda Teter, *Sinners on Trial: Jews and Sacrilege after the Reformation*, Cambridge Harvard University Press, 2011, pp. 89n.

²¹ [Mamert Herburt], Wypisy z aktów czyli dziejów kapituły katedry wileńskiej z siedmiu pierwszych tomów od 1501 – do 1600 r., in: *Czartoryski library*, MS 3516 (hereafter – Herburt), § 212, 213, fol. 36.

²² David Knowles, Dimitri Obolensky, *Historia Kościoła*, vol. 2, Warsaw, 1988,

1179 prohibited Jews from employing Christian servants, and forbade Christians to live together with Jews. These regulations were extended at the Fourth Lateran Council in 1215. At the same time, while Jews were permitted to engage in supplying credit, charging excessive interest rates was condemned as usury. The Fourth Lateran Council also commanded that Jews wear distinctive clothing in order to alert others about their presence. The aim of the conciliar legislation was therefore maximally to restrict contacts between Jews and Christians and, by the same token, to minimize the influence of Jews on Christians – an influence considered highly negative. This medieval legislation was confirmed in its essential points by the Council of Trent (1545–1563)²³. However, the legal situation of Jews was also regulated by, alongside the grand ducal privileges, the Lithuanian Statutes. Bans contained in all three statutes (1529, 1566, 1588) on Jews holding public office or employing Christian servants, especially wet-nurses²⁴, were based on canon law²⁵. This question is all the more interesting in that some senior clergymen–prelates and canons with benefices in Vilnius – were members of the commission which drafted the statutes²⁶. Provisions of the civil law were supplemented and defined more precisely in the statutes of provincial and diocesan synods and in the pastoral letters issued by bishops²⁷.

p. 290; Jacek Krochmal, *Krzyż i menora: Żydzi i chrześcijanie w Przemysłu w latach 1559–1772*, Przemysł: Wydawnictwo Towarzystwa Przyjaciół Nauk w Przemysłu, 1996, pp. 141n.

²³ Wojciech Góralski, *Reforma trydencka w diecezji i prowincji kościelnej mediolańskiej w świetle pierwszych synodów kard. Karola Boromeusza*, Lublin: Wydawnictwo KUL, 1988, pp. 309–11.

²⁴ Andrzej B. Zakrzewski, “Ograniczenia ludności żydowskiej w Nieświeżu XVII–XVIII wieku: Dwa przyczynki”, in: *Praeities Pēdsakais: skiriama profesoriaus daktaro Zigmanto Kiaupos 65-mečiui*, eds. Egidijus Aleksandravičius, Artūras Dubonis, Elmantas Meilus, Rimantas Miknys, Edmundas Rimša, Vilnius: Lietuvos istorijos institutas, 2007, pp. 381–82; Andrzej B. Zakrzewski, *Wielkie Księstwo Litewskie*, p. 81.

²⁵ Leszek Winowski, *Innowiercy w poglądach uczonych zachodniego chrześcijaństwa*, Wrocław: Zakład Narodowy im. Ossolińskich, 1985, pp. 134–63.

²⁶ Grzegorz Błaszczyk, *Diecezja żmudzka od XV wieku do początku XVII wieku. Ustrój*, Poznań: Uniwersytet im. Adama Mickiewicza w Poznaniu, 1993, pp. 58–59.

²⁷ Judith Kalik, “Jews in Catholic Ecclesiastical Legislation in the Polish-

The prohibition on Jews employing Christian servants was intended to protect Christians from “corruption” by the “infidels”²⁸. It is noteworthy that corresponding proscriptions, aimed at isolating Jews from Christians, can be found in Jewish law and teaching²⁹. It is also characteristic that the frequency with which these bans were repeated testifies to their very limited effectiveness, given that even popes were known to employ Jewish physicians³⁰. The Bishop of Wenden (Cēsis), Aleksander Krzysztof Chodkiewicz († 1676) even gave a Jew keys to a church³¹.

On 11 October 1557, the bishop of Vilnius announced at a session of the chapter that many Christian women openly lived with Jews and other “infidels”, and that children had been born in these relationships. The chapter advised him that, in order to avoid the divine wrath that had once destroyed Sodom and Gomorra being turned on Vilnius for such appalling lawlessness, the bishop should try, if these women should persist in their sin without punishment, to reform these offenders using

Lithuanian Commonwealth”, in: *Jewish History Quarterly*, 2004, vol. 209, no. 1, pp. 26–39; Zakrzewski, *Wielkie Księstwo Litewskie*, p. 81.

²⁸ Jacek Krochmal, *Krzyż i menora*, pp. 141n; see also Adam Kaźmierczyk, “The Problem of Christian Servants as Reflected in the Legal Codes of the Polish-Lithuanian Commonwealth During the Second Half of the Seventeenth Century and in the Saxon Period”, in: *Gal-Ed*, 1997, vol. 15–16, pp. 23–40; Judith Kalik, “Christian Servants Employed by Jews in the Polish-Lithuanian Commonwealth in the 17–18th Century”, in: *Polin: Studies in Polish Jewry*, 2001, vol. 14, pp. 259–70; Jakub Goldberg, “Sprawa zatrudniania przez Żydów czeladzi i służby chrześcijańskiej w Rzeczypospolitej w XVI–XVIII wieku”, in: Jakub Goldberg, *Żydzi w społeczeństwie, gospodarce i kulturze Rzeczypospolitej szlacheckiej*, Kraków: Polska Akademia Umiejętności, 2012, pp. 71–76.

²⁹ Magda Teter, “There Should Be No Love Between Us and Them”: Social Life and the Bounds of Jewish and Canon Law in Early Modern Poland”, in: *Polin: Studies in Polish Jewry*, vol. 22: *Social and Cultural Boundaries in Pre-Modern Poland*, eds. Magda Teter, Adam Teller and Antony Polonsky, 2010, Oxford; Portland, Oregon: Littman Library of Jewish Civilization, pp. 253n.

³⁰ Majer Bałaban, *Historia i literatura żydowska ze szczególnym uwzględnieniem historii Żydów w Polsce*, Lwów: Zakład Narodowy im. Ossolińskich, 1925, vol. 2, p. 75; Jacek Krochmal, *Krzyż i menora*, p. 142.

³¹ *Kościół zamkowy czyli katedra wileńska: w jej dziejowym, liturgicznym, architektonicznym i ekonomicznym rozwoju*, vol. 3: *Streszczenie aktów kapituły wileńskiej*, ed. Jan Kurczewski, Wilno: Nakład i druk J. Zawadzki, 1913, p. 182.

the means at his disposal, imposing penalties and even imprisonment. As a last resort, the stubbornly disobedient could be reported to the king³². A complaint of similar content was noted in the capitular acts a century later. On 21 May 1668, the bishop of Vilnius addressed the chapter, asking, with a heavy heart, for counsel regarding what could be done with those Jews and Tatars who kept Christian women in their houses, fathered children with them, and later smothered them. Should he turn to the king for help, or summon those accused before the episcopal court? The chapter advised the bishop to ask the king for the execution of the law forbidding Christians (in royal possessions) to serve in households of Jews and Tatars³³. This accusation should not be confused with accusations of ritual murder, which became more common during the seventeenth century³⁴.

In 1598 the papal nuncio Germanico Malaspina evidently regarded the situation in Vilnius as scandalous: “Ordinary Catholic men marry heretic [Protestant] women, and vice versa, and although the Catholic man or woman almost always converts the heretic to his or her faith, such marriages are forbidden by canon law. Bishops do not usually permit them and prohibit parish priests from solemnizing matrimony, although they sometimes look the other way”³⁵. It is worth adding that while marriages between different Christian denominations were accepted, marriages between Christians and Jews had to be preceded by conversion. The acts refer to several cases of Jews converting to Catholicism. The Vilnius chapter put some effort into supporting

³² *Acta Capituli Vilnensis* (hereafter – *ACV*), vol. III, ff. 171v–72, constitute f. 43, s. 210/1–225, in: *Manuscript Department of the Wróblewski Library of the Lithuanian Academy of Sciences*.

³³ *ACV*, vol. XV, fol. 29.

³⁴ Marcin Zgliński, “Nagrobki i kult ofiar rzekomych żydowskich mordów rytualnych na historycznych ziemiach litewskich w XVII–XIX wieku”, in: *Dailės istorijos studijos*, vol. 4: *Socialinių tapatumų reprezentacijos Lietuvos Didžiosios Kunigaikštystės kultūroje*, ed. Aistė Paliušytė, Vilnius: Lietuvos kultūros tyrimų institutas, 2010, pp. 303–43. For the Polish Crown Cf. Zenon Guldon, Jacek Wijaczka, *Procesy o mordry rytualne w Polsce w XV–XVIII w.*, Kielce: DCF, 1995.

³⁵ *Relacye nuncyuszów apostolskich i innych osób o Polsce od roku 1548 do 1690*, vol. 2, ed. Erazm Rykaczewski, Poznań and Berlin, 1864, p. 90.

converts from Judaism. On 21 May 1674, it instructed the subcustodian of the cathedral to disburse 40 *złoty*s to a converted Jew, Józef Józefowicz, to support him in his craft as a tailor. On the same day it was decided to aid “a certain freshly converted unmarried orphan” with 20 *złoty*s³⁶. Finally, Maciej Dobratycki, who was a secretary and scribe to bishop Paweł Holszański and a supernumerary canon of Vilnius, was *ex Iudeo Christianus factus*³⁷.

Were converts from Judaism really considered noble, as the letter of the Third Lithuanian Statute suggests? In describing the severity of punishment for killing a Jew³⁸, it proposes: “And if a Jew or Jewess shall accept the Christian faith, then every such person and their descendants shall be considered noble”³⁹. Some light may be shed on the interpretation of the law in an ecclesiastical town in the later seventeenth century by a complaint made to the Vilnius chapter on 3 October 1667 by the burghers of Poswol (Pasvalys) against local Jews. They complained, firstly, that Jews owned more than eight houses in Poswol; secondly, that a Jew who was wronged or assaulted by Christians received compensation according to the rights of a nobleman, whereas a Christian wronged or assaulted by Jews received compensation as ordinary burghers. They also asked to remove from lease Izaak Moszkowicz, a Jew, and reported that

³⁶ *ACV*, vol. XVII, fol. 38.

³⁷ *Vetera monumenta Poloniae et Lithuaniae gentiumque finitimarum historiam illustrantia; maximam partem nondum edita ex tabulariis Vaticanis deprompta collecta ac serie chronologica disposita*, vol. 2: *ab Ioanne PP. XXIII. usque ad Pium PP. V. 1410–1572*, ed. Augustinus Theiner, Rome: Zeller, 1861, pp. 552–553.

³⁸ According to the First Lithuanian Statute (1529), the punishment for killing a Jew was the same as for killing a nobleman – 100 *schocks* of Lithuanian *grosze*. The life of a burgher was priced at just 12 *schocks*. See Anatol Leszczyński, “Sytuacja prawna Żydów ziemi bielskiej od końca XV w. do 1795 r.”, in: *Biuletyn Żydowskiego Instytutu Historycznego*, 1975, vol. 96, no. 2, p. 34.

³⁹ *Litovskij Statut 1588 goda*, vol. 2, ed. Ivan Ivanovič Lappo, Kaunas: “Spindulio” sp., 1938, p. 450. It is notable that at least some Jews who changed their confession were enobled even before the adoption of the Third Lithuanian Statute: Jakub Goldberg, “Żydowsky konwertycy w społeczeństwie staropolskim”, in see: Jakub Goldberg, *Żydzi w społeczeństwie, gospodarce i kulturze Rzeczypospolitej szlacheckiej*, pp. 247n.

Jews had taken a site where Christians had hitherto had a slaughterhouse. The chapter's reply is equally suggestive: "1) Jews may not have more than eight sites and houses. But they may receive neighbouring Jews on one site and into one house; 2) in disputes between Christians and Jews, punishments should be equal; 3) the arendator has the right, according to the contract, to lease property until the feast of St Casimir [4 March]; and the chapter will discuss the situation after that"⁴⁰; 4) Regarding the site of a former slaughterhouse, the chapter decided that although "Jews have paid the heirs of the owner, Christians are free to pay the Jews. In case of competition between a Christian and Jews for the lease of empty sites, the Christian shall have priority as closer and as better suited to business"⁴¹.

Although we might suppose that the Catholic clergy celebrated every newly-caught soul, the chapter showed a certain reserve regarding conversions from Judaism. At a capitular session on 30 September 1670, a case was discussed concerning a Jew who had apparently abducted his daughter (a convert) and her child from the house of her Christian husband. For this he had been arrested and incarcerated in the episcopal prison by Wojciech Oborski, who was the canon of Piltyń (Piltene), dean of Minsk (Менск) and the parish priest of Iwieniec (Івянец). In the meantime, a noble arendator, Pożaryski, wishing to free the Jew, filed a suit against Reverend Oborski in the castle court at Minsk, and simultaneously slandered him. The chapter 1) resolved to summon Pożaryski before a consistory court, in order that he might hear the punishments he had incurred by violating the bull *In Coena Domini*⁴²

⁴⁰ Izaak Moszkowicz's lease was probably extended. In any case he was mentioned as an inhabitant of Poswol alongside the *wójt* of Trakai (Troki) Abraham Moszkiewicz on 2 March 1695. See *Birżę dwaro teismo knygos*, p. 89.

⁴¹ *ACV*, vol. XV, fol. 9. See *Kościół zamkowy*, vol. 3, pp. 185–86.

⁴² The bull *In Coena Domini* (1366) was a statement of ecclesiastical censure against heresies, schisms, sacrilege, infringement of papal and ecclesiastical privileges, attacks on person and property, piracy, forgery and other crimes. Traditionally read out on Maundy Thursday, it caused controversy well into the nineteenth century, as evidenced by *Papal Diplomacy and the Bull "In Coena Domini"*; or, *A Collection of Authentic Facts and Documents, Proving that the Principles of the Bull "In Coena Domini" are the Only Principles of International Law Recognized by the Papacy*, London: J. Hatchard, 1848.

and committing an illegal evocation (*evocatio*)⁴³ of a priest; 2) suggested that Reverend Oborski sue Pożaryski for slander; 3) forbade Oborski to appear before the Minsk castle court; and 4) ordered the *oficjał* (*officialis*) of the diocese to inform the starosta of Minsk about a *démarche exceptio forum*⁴⁴ with regard to the dean⁴⁵. In cases involving Christians, Jews were to answer before the palatine's court⁴⁶. In this particular case, however, the dispute over a Jew occurred between a clergyman and a lay nobleman. Moreover, the Catholic clergy, on the basis of the privilege *privilegium fori*, was exempted from lay jurisdiction (with the exception of suits over landed estates)⁴⁷.

A few weeks later, on 17 December 1670, the Jew, who had been kept in the episcopal prison, expressed his fervent desire to accept baptism and, moreover, pointed to six Vilnan Jews who had supposedly hidden two abducted baptized Jewesses. He also advised the imprisonment of those Jews. However, the chapter considered this denunciation suspicious. In the question of abduction, it judged it better to summon not the Jews of Vilnius, but those of Minsk. As for the possible baptism of the incarcerated Jew, it recommended that a Jesuit be sent to examine him; if the sincerity of his wish to be baptized was confirmed, then the Jesuit should instruct the Jew in the principles of the Catholic faith⁴⁸.

Both in the sixteenth and in the seventeenth century, Jews were often assigned leases of taverns and other property. The conditions that

⁴³ In old Polish law this meant a summons before a court that was inappropriate for the person summoned, for which there were punishments *poenae evocatoriae*, see Zygmunt Gloger, *Encyklopedia staropolska ilustrowana*, vol. 2, Warsaw: Druk P. Laskauere i W. Babicki, 1901, p. 138.

⁴⁴ A formal-legal complaint with regard to the course of court procedure, made by the summoned person during the court session.

⁴⁵ *ACV*, vol. XV, fol. 99.

⁴⁶ Adam Kaźmierczyk, *Żydzi w dobrach prywatnych w świetle sądowniczej i administracyjnej praktyki dóbr magnackich w wiekach XVI–XVIII*, Kraków: Księgarnia Akademicka, 2002, pp. 160n.

⁴⁷ Zdzisław Kaczmarczyk and Bogusław Leśnodorski (eds.), *Historia państwa i prawa Polski*, vol. 2: *Od połowy XV wieku do r. 1795*, ed. Juliusz Bardach, Warsaw: Państwowe Wydawnictwo Naukowe, 1968, p. 82.

⁴⁸ *ACV*, vol. XV, fol. 112.

were applied, however, differed from those for noblemen and burghers. Christians paid their dues in instalments, whereas Jewish arendators usually paid the entire sum for a specified duration of the lease up front⁴⁹. The Chapter of Vilnius leased taverns and other property to both Jews and converts from Judaism. The known cases attest to a considerable care shown by the corporation with regard to both kinds of leaseholders. On 18 June 1571, the chapter heard that the permanent assistant priest (*wikary*) of the parish church of Vitsebsk (Віцебск), Reverend Seweryn Pankowski, had leased a tavern in the town to a baptized Jew. The lease was to be paid in several instalments, amounting to 110 *schocks* of Lithuanian *grosze*. Despite the fact that Pankowski had not consulted anyone in making his decision, the chapter agreed to issue a receipt for the lease⁵⁰. The question came up again the following year – on 1 July 1572 – before the lease had expired. Vilnan canons and prelates, and the assistant priests of Vitsebsk, considered the proposal of the palatine of Vitsebsk, Stanisław Pac (†1588), who wished once again to take the lease of the tavern, which was currently held by the converted Jew. Assistant priests of Vitsebsk, represented by the sub-dean, Jakub Młyński, and Maciej Chmielewski, left the decision to the Vilnius chapter⁵¹. At a capitular session on 25 August 1572, the procurator of the chapter, Canon Wawrzyniec Wolski, presented letters from the manager of the chapter's Vitsebsk properties, Bazyli Bohdanowicz, and the unnamed arendator of the tavern. Both advised the chapter against leasing the tavern to Palatine Pac, among other reasons because he had demanded to see the measures used for vodka, beer and other drinks. When the arendator had asked for time to consult the chapter, Pac “violently sent military Cossacks and his servants to the tavern, who having broken the doors and locks, partly drank the vodka and beer, partly sold it, and poured the rest from its barrels onto the ground, breaking open some barrels,

⁴⁹ Michał Wąsowicz, *Kontrakty lwowskie 1676–1685*, Lwów, 1935, pp. 44n; Jakub Goldberg, “Władza dominalna Żydów w XVII–XVIII w.”, in: *Przegląd Historyczny*, 1990, vol. 81, p. 194.

⁵⁰ Herburt, § 128–30, ff. 205–06; *ACV*, vol. V, ff. 42v–43.

⁵¹ Herburt, § 230–31, fol. 211; *ACV*, vol. V, ff. 70v–71.

and in doing so causing damage reckoned at 100 *schocks* of Lithuanian *grosze*. Such serious violence was committed by him there, despite and overriding protests from the gentlemen in charge of the inspection of the said church in Vitsebsk and of recording its income⁵². In this situation, the chapter resolved to send a vicar of the cathedral, Maciej Chmielewski, along with the capitular notary to Vitsebsk⁵³. It was only five years later – on 5 October 1584 – that the Vitsebsk tavern was given on a three-year lease to Stanisław Pac⁵⁴. On 7 April 1587, the lease was extended for further three years, commencing on 2 February 1588⁵⁵. Soon afterwards, on 28 September 1588, Pac died, and the chapter decided to accede to the requests of Lew Sapieha, the vice-chancellor of the Grand Duchy of Lithuania, to lease him the taverns, which belonged to the Vitsebsk parish, for three years⁵⁶. The acts of the chapter indicate that the leasing of the Vitsebsk taverns to a converted Jew was but an episode. Nevertheless, Jews still played a part in their functioning. On 15 July 1597, at the request of an “infidel Jew”, Jakub Ilinicz, a trader in the Vitsebsk taverns, the chapter instructed the manager, Hieronim Podlecki, immediately to repair the buildings that belonged to the tavern, including storehouses. The costs were to be met by the chapter⁵⁷.

Clergymen sometimes took the side of their Jewish leaseholders in court. In 1670, the Vilnan prelate Krzysztof Przeclawski successfully testified in the defence of Fajwiz, his leaseholder, in a case against a Jewish criminal gang accused of forgery, theft and murder. Fajwiz was probably their partner in crime but, in order to obtain his own acquittal, he had decided to betray the gangsters⁵⁸.

⁵² Herburt, § 237–38, ff. 211–12; *ACV*, vol. V, ff. 73–4.

⁵³ Herburt, § 237–38, ff. 211–12; *ACV*, vol. V, ff. 73–74.

⁵⁴ Herburt, § 290–92, fol. 267; *ACV*, vol. VI, ff. 375–78.

⁵⁵ Herburt, § 111, fol. 285; *ACV*, vol. VII, ff. 59v–60.

⁵⁶ Herburt, § 202–04, ff. 293–94; *ACV*, vol. VII, ff. 104–05.

⁵⁷ Herburt, § 853–854, fol. 335; *ACV*, vol. VII, fol. 305.

⁵⁸ Judith Kalik, “Economic Relations between the Catholic Church and the Jews in the Polish - Lithuanian Commonwealth in the 17th – 18th Centuries”, in: <http://icj.huji.ac.il/conference/papers/Judith%20Kalik%20.pdf> (2013-05-20).

Prince Hieronim Sanguszko, suffragan bishop of Vilnius and later bishop of Smolensk, declared in a contract of 1651: “I have leased [the Raków estates] to Mr Idel Jakubowicz, one of my Jews from Raków, for three years for 27,000 Polish *złoty*s, reckoning 9000 for each year, and of which a sum of 27,000 Polish *złoty*s I have already received in full”⁵⁹. This was not a secured loan but a lease, in which the lord or the starosta obtained credit, as it were, from the arendator. The payment of the entire sum for the lease in advance strengthened the latter’s position, because if the contract were breached by the former, he would have to repay a substantial amount to the Jew⁶⁰, who thus could enjoy relative stability and could make his investment grow.

Contacts between the Vilnius chapter, both as a corporation and its individual members, with Jews, both those in the city of Vilnius and those living in capitular estates, were, because of the proximity of their residences, certainly more frequent than the sources indicate. Such co-existence, unsurprisingly, gave rise to conflicts. At the same time common interests necessitated compromises. These are particularly visible in the urban space of Vilnius, which the papal nuncio Aloisius Lippomano called, in 1555, “Babylon, because [–] there are Armenians, Muscovites, Ruthenians, Tatars, Lithuanians, Germans and Italians, but few good Christians”⁶¹. The streets of Vilnius

⁵⁹ Quoted after Goldberg, “Władza dominalna Żydów”, pp. 193–94.

⁶⁰ Wąsowicz, *Kontrakty lwowskie*, pp. 44n; Goldberg, “Władza dominalna Żydów”, p. 194.

⁶¹ “Questa Citta e una Babilonia, perche pare che vi sia d’ogni natione, quae sub coelo est: Armeni, Moscoviti, Rottoni [sic], Tartari, Turchi, Littuani, Tedeschi et Italiani, ma pochi buoni Christiani” (Vilnae, 3 XI 1555), (*Acta Nuntiaturae Poloniae, Aloisius Lippomano (1555–1557)*, vol. 3/1, editor Henryk Damian Wojtyśka, Romae: Institutum Historicum Polonicum, 1993, p. 77, no. 50.) It is interesting that Lippomano mentioned neither “Poles” nor Jews. The composition of the Vilnius chapter in the second half of the sixteenth century is also notable: of the 75 canons and prelates who were members of the chapter during this period, just 17, or 23%, came from the Grand Duchy of Lithuania (including its Ruthenian, but not its Podlasian territories). Six came from Podlasie (8%), all of whom were installed while Podlasie was still formally part of the Grand Duchy of Lithuania. Among the remaining members of the chapter, we can establish an origin in one or other lands of the Polish Crown, not including

were filled by a multilingual crowd. “Ethnic” differences overlapped with religious ones⁶².

Catholic and Jewish religious authorities alike sought to restrict contacts between Christians and Jews – they officially opposed mixed relationships. In practice, though, the boundaries could be crossed. Marital bonds between a Catholic and a non-Christian partner were preceded by the conversion of the latter, which was a source of great distress to the rabbis. They in turn treated informal sexual relations between Jews and Gentiles as idolatry. Formal prohibitions and both secular and canon law restricted, but could not entirely prevent, personal contacts between individual priests or the chapter as a whole and Jews, which we may generally characterize as correct. The acts of the Vilnius cathedral chapter contain relatively little evidence of either fervour to convert Jews to Catholicism or phobias about ritual murder or profanation. In the more frequent economic problems, the chapter generally strove to uphold the rights of “its” Jews, whether they were

Royal Prussia, for a further 41–55 % of the total. Nine persons (12 %) came from places beyond the Grand Duchy of Lithuania and the Polish Crown and one person (1 %) came from Royal Prussia. We have insufficient information to establish the origin of one clergymen. See Wioletta Pawlikowska-Butterwick, “A “Foreign” Elite? The Territorial Origins of the Canons and Prelates of the Cathedral Chapter of Vilna in the Second Half of the Sixteenth Century”, in: *Slavonic and East European Review*, 2014, vol. 92, no. 1, pp. 44–80. The figures published in my article “The Prelates and Canons of Vilnius in the Second Half of the Sixteenth Century: A Prosopographical Study of Selected Questions”, in: *Studies in Church History*, vol. 5: *Religious Communities in Lithuanian History: Life and Identity*, ed. Arūnas Streikus (LCAS Annals, vol. 36, series B), Vilnius: 2012, pp. 40–41 need to be corrected. It has since been possible to establish the territorial origins of a further six persons (8%).

⁶² See *Акты издаваемые Коммиссиею, Высочайше учрежденною для разбора древних актов в Вильню*, vol. 29, Вильна; Wilnianie: *Żywoty siedemnastowieczne*, ed. David Frick, Warsaw: Przegląd Wschodni, 2008; David Frick, “Jews in Public Places: Chapters in the Jewish-Christian Encounter in Seventeenth-Century Wilno”, in: *Polin*, 2010, vol. 22, pp. 215–48; David Frick, “According to the Confession in Which I Die: Taking the Measure of Allegiances in Seventeenth-Century Wilno”, in: *Central Europe*, 2010, vol. 8, no. 2, pp. 107–22; David Frick, *Kith, Kin, and Neighbors: Communities and Confessions in Seventeenth-Century Wilno*, Ithaca: Cornell University Press, 2013; J. Niedźwiedz, *Kultura literacka Wilna (1323–1655): Retoryczna organizacja miasta*, Kraków: Universitas, 2012.

converts or not, against those noblemen and burghers who challenged them – sometimes violently. Contacts between Jews and Christian burghers were often far less polite. Was this perhaps due to the fact that, for the chapter, Jews were a source of income, whereas for the burghers they were unwelcome competitors?